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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MALIBU MEDIA, LLC Plaintiff, vs. DERRICK LOUIE Defendant,	Hon. Stanley R. Chesler Civil No.: 2:14-cv-04392-SRC-CLW **ANSWER TO AMENDED COMPLAINT**

Defendant Derrick Louie, through his attorneys, Arleo & Donohue, LLC, by way of Answer to the Amended Complaint, states as follows:

1. Defendant admits the allegations contained in this paragraph.

2. Defendant denies the allegations contained in this paragraph.

3. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

AS TO JURISDICTION AND VENUE

4. Defendant admits the allegations contained in this paragraph.

5. Defendants denies the allegations contained in this paragraph.

6. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

7. Defendant admits the venue is proper but denies the balance of the allegations contained in this paragraph.

AS TO THE PARTIES

8. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

9. Defendant admits the allegations contained in this paragraph.

AS TO THE FACTUAL BACKGROUND

10. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

11. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

12. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

13. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

14. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

15. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

16. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

17. Defendant denies the allegations contained in this paragraph.

18. Defendant denies the allegations contained in this paragraph.

19. Defendant denies the allegations contained in this paragraph.

20. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

21. Defendant denies the allegations contained in this paragraph.

22. Defendant denies the allegations contained in this paragraph.

23. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

24. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

25. Defendant admits the allegations contained in this paragraph.

26. Defendant denies the allegations contained in this paragraph.

27. Defendant denies the allegations contained in this paragraph.

28. Defendant denies the allegations contained in this paragraph.

29. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

30. Defendant admits he had access to the internet but denies the balance of the allegations contained in this paragraph.

31. Defendant denies the allegations contained in this paragraph.

32. Defendant denies the allegations contained in this paragraph.

AS TO MISCELLANEOUS

33. Defendant denies the allegations contained in this paragraph.

34. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

AS TO COUNT I

35. Defendant repeats and re-alleges each and every response contained in the foregoing paragraphs as if fully set forth herein.

36. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph and leaves plaintiff to its proofs.

37. Defendant denies the allegations contained in this paragraph.

38. Defendant denies the allegations contained in this paragraph.

39. Defendant denies the allegations contained in this paragraph.

40. Defendant denies the allegations contained in this paragraph.

WHEREFORE, defendant Derrick Louie demands judgment dismissing plaintiff's Complaint together with interest, fees and costs.

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint fails to state a claim upon which relief may be granted.

2. Plaintiff's claims are barred by the doctrine of waiver.

3. Plaintiff's claims are barred by the doctrine of laches.

4. Plaintiff's claims are barred by the doctrine of estoppel.

5. Plaintiff's claims are barred by the applicable Statute of Limitations and/or entire controversy doctrine.

6. This defendant denies any wrongful or tortious act sufficient to state a legally cognizable claim.

7. This defendant's conduct complied at all times with all existing, federal, state and local laws, rules, regulations, ordinances and/or other standards.

8. Plaintiff's claims are barred by the doctrine of unclean hands.

9. Plaintiff's claims are barred because defendant does not own the IP address referenced in plaintiff's Complaint.

10. Plaintiff's claims are barred, in whole or in part, by its failure to mitigate damages.

11. Plaintiff's claims are barred by the doctrine of de minimus use.

12. This defendant hereby reserves the right to add additional separate defenses based upon pre-trial discovery and such information as may become hereafter available.

DESIGNATION OF TRIAL COUNSEL

Timothy M. Donohue is hereby designated as trial counsel in this matter.

JURY DEMAND

Pursuant to Fed. R. Civ. Pro. 38(B), defendant demands a trial by jury on all causes of action so triable.

ARLEO & DONOHUE, LLC
Attorneys for Defendant, Derrick Louie

By: */s/ Timothy M. Donohue*____________

CERTIFICATION PURSUANT TO LOCAL RULE 11:2

Pursuant to Local Rule 11.2 I certify that to the best of my knowledge, information and belief that the matter in controversy is not the subject of any other action in any court and/or arbitration proceeding, now pending or contemplated, and that no other parties should be joined in this action.

It is further certified that the within Answer has been filed with the Clerk of the United States District Court's ECF System and a copy served upon all counsel of record via e-mail.

ARLEO & DONOHUE, LLC
Attorneys for Defendant, Derrick Louie

By: */s/ Timothy M. Donohue*___________

Dated: October 26, 2015